Johnston v. One America Productions, Inc. et al Doc. 7 Att. 1

FILED
MAR 20 2007
DAVID CREWS, CLERK
By [signature] Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

ELLEN JOHNSTON PLAINTIFF

V. CAUSE NO. 2:07CV42-P-A

ONE AMERICA PRODUCTIONS, INC., EVERYMAN PICTURES, TWENTIETH CENTURY-FOX FILM CORPORATION AND JOHN DOES 1 AND 2 DEFENDANTS

COMPLAINT

COMES NOW Plaintiff, Ellen Johnston, by and through counsel, William O. Luckett, Jr. of Luckett Tyner Law Firm, P.A., and files and serves this her Complaint for damages and states the following:

1. The Plaintiff, Ellen Johnston, is an adult resident citizen of Coahoma County, Mississippi. Her residential address is 121 Ritch Street, Clarksdale, Mississippi, 38614.

2. Defendant One America Productions Inc. is a California Corporation with a Registered Agent at 421 Beverly Drive, Eighth Floor, Beverly Hills, California, 90212; Defendant Everyman Pictures is a California Corporation with a Registered Agent at 1880 Century Park East, Suite 1600, Los Angeles, California, 90067; and Defendant Twentieth Century-Fox Film Corporation is a Delaware Corporation with a Registered Agent at 10201 West Pico Boulevard, Los Angeles, California, 90035. The identity of John Does 1 and 2 are unknown at this time, but they will be provided when and if they are identified.

3. That venue and jurisdiction are proper in their Court that the movie *Borat* has been distributed nationwide, including distribution and sales within this district. The movie *Borat* has been screened in the Northern District of Mississippi and is now available for purchase on DVD

EXHIBIT 1

Dockets.Justia.com

within the Northern District of Mississippi.

4. Defendants invaded Plaintiff's privacy by filming Plaintiff without her consent on July 10, 2005 with the full intent of using the footage in the movie *Borat*, and by showing her image on screen.

5. Defendants portrayed Plaintiff in a false light in that the movie *Borat* shows the Plaintiff with her arms raised above her head praising the Lord as Sacha Baron Cohen's character, Borat, mocks Plaintiff's religion by addressing the entire group of people on camera and pretending to speak in tongue.

6. Plaintiff did not sign a release to appear in the film *Borat*. She was led to believe that Mr. Cohen's camera crew was filming a "religious documentary." Therefore, the film's producers had no authority to show her in the film *Borat*. The filming took place in an interior setting where the Plaintiff had an expectation of privacy.

7. Defendants' gross negligence constituted willful, wanton, and reckless disregard for Ms. Johnston's right to privacy, for its own monetary profit. Defendants should be deterred from repeating such egregious acts by imposition of compensatory and punitive damages.

WHEREFORE, PREMISES CONSIDERED, Plaintiff seeks compensatory damages in the amount of $100,000.00 and punitive damages in the amount of $500,000.00 against Defendants in for damages in this matter.

THIS the 19th day of March, 2007

Respectfully Submitted,
ELLEN JOHNSTON

/s/ William O. Luckett, Jr.

W.O. LUCKETT, (MSB# 1487)

LUCKETT TYNER LAW FIRM, P.A.
143 YAZOO AVENUE
POST OFFICE DRAWER 1000
CLARKSDALE, MISSISSIPPI 38614
(662)624-2591
(662)627-5403